[1] "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids:

"river" includes streams, canals, creeks and other channels, natural or artificial.

CHAPTER II.

OF RESERVED FORESTS.[2]

Power to reserve forests.

3. The Local Government may from time to time constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

Notification by Local Government.

4. Whenever it is proposed to constitute any land a reserved forest, the Local Government may publish a notification in the local official Gazette—

(*a*) declaring that it is proposed to constitute such land a reserved forest;

[3](*b*) specifying, as nearly as possible, the situation and limits of such land; and

(*c*) appointing an officer (hereinafter called "the Forest-settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised

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[1] *See* similar definition in Cattle-trespass Act, 1871 (I of 1871), General Acts, Vol. II.

[2] As to the application of provisions relating to reserved forests (1), to village-forests, *see* s. 27, last paragraph; (2) to forests, and lands not the property of the Government, *see* ss. 36, 38; (3) to forests, waste-lands or produce the joint property of the Government and other persons, *see* s. 79, *infra*.

[3] This clause was substituted for the original cl. (*b*) by the Forest Act, 1890 (V of 1890), s. 3. Printed, General Acts, Vol. V. The original clause ran as follows:—"(*b*) specifying the limits of such forest; and"

comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation.—For the purpose of clause (*b*) of this section, it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

The officer appointed under clause (*c*) of this section shall ordinarily be a person not holding any forest-office except that of Forest-settlement-officer.

Nothing in this section shall prevent the Local Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest-settlement-officer under this Act.

Bar of accrual of forest-rights.

5. During the interval between the publication of such notification and the date fixed by the notification under section 19, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of Government or some person in whom such right was vested when the former notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land [[1] except in accordance with rules prescribed by the Local Government].

Proclamation by Forest-settlement-officer.

6. When a notification has been issued under section 4, the Forest-settlement-officer shall publish in the language of the country, in every town and village in the neighbourhood of the land comprised therein, a proclamation—

[2](*a*) specifying, as nearly as possible, the situation and limits of the proposed forest;

(*b*) explaining

[1] These words were added by the Forest Act, 1890 (V of 1890), s. 4. Printed, General Acts, Vol. V.

[2] This clause was substituted for the original cl. (*a*) by Act V of 1890, s. 5. The clause ran :—"(*a*) specifying the limits of the proposed forest."

(*b*) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(*c*) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or 5 either to present to such officer within such period a written notice specifying, or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Forest-settlement-officer.

7. The Forest-settlement-officer shall take down in writing all statements made under section 6, and shall, at some convenient place, inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Powers of Forest-settlement-officer.

8. For the purpose of such inquiry, the Forest-settlement-officer may exercise the following powers, that is to say:—

(*a*) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(*b*) the powers of a Civil Court in the trial of suits.

Extinction of rights.

9. Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 19 is published, the person claiming them satisfies the Forest-settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

9A. (*1*) In

Treatment of claims relating to practice of shifting cultivation.

[1]**9A.** (*1*) In the case of a claim relating to the practice of shifting cultivation, the Forest-settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the Local Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(*2*) On receipt of the statement and opinion the Local Government may make an order permitting or prohibiting the practice wholly or in part.

(*3*) If such practice is permitted wholly or in part, the Forest-settlement-officer may arrange for its exercise—

(*a*) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(*b*) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practise shifting cultivation therein under such conditions as he may prescribe.

All arrangements made under this sub-section shall be subject to the previous sanction of the Local Government.

(*4*) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the Local Government.

Power to acquire land over which right is claimed.

10. In the case of a claim to a right in or over any land, other than a right of way or pasture, or to forest-produce or a water-course, the Forest-settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

If

[1] S. 9A was inserted by Act V of 1890, s. 6, printed, General Acts, Vol. V.

If such claim is admitted in whole or in part, the Forest-settlement-officer shall either (1) exclude such land from the limits of the proposed forest; or (2) come to an agreement with the owner thereof for the surrender of his rights; or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870.[1] I of 1870.

For the purpose of so acquiring such land—

(*a*) the Forest-settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870[1];

(*b*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act[2];

(*c*) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(*d*) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

Order on claims to rights of pasture or to forest-produce.

11. In the case of a claim to rights of pasture or to forest-produce, the Forest-settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

Record to be made by Forest-settlement-officer.

12. The Forest-settlement-officer, when passing any order under section 11, shall record, so far as may be practicable,—

(*a*) the name, father's name, caste, residence and occupation of the person claiming the right;

(*b*) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in

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[1] *See* now the Land Acquisition Act, 1894 (I of 1894), General Acts, Vol. VI.

[2] This reference to s. 9 of Act X of 1870 should now be read as referring to s. 9 of Act I of 1894—*see* s. 2 of the latter Act.

in respect of which the exercise of such rights is claimed.

Record where he admits claim.

13. If the Forest-settlement-officer admits in whole or in part any claim under section 11, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorized to take or receive, or such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

Exercise of rights admitted.

14. After making such record, the Forest-settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted. For this purpose the Forest-settlement-officer may—

(*a*) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or

(*b*) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or

(*c*) record an order, continuing to such claimants a right of pasture or to forest-produce (as the case may be) to the extent so admitted, at such seasons, within such portions of the proposed forest and under such rules, as may from time to time be prescribed by the Local Government.

15. In

Commutation of rights.

15. In case the Forest-settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 14 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall (subject to such rules as the Local Government may from time to time prescribe in this behalf) commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

Appeal from order passed under section 10, 11, 14 or 15.

16. Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the Local Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest-settlement-officer under section 10, 11, 14 or 15, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Collector or Deputy Commissioner, as the Local Government may from time to time, by notification in the local official Gazette, appoint by name, or as holding an office, to hear appeals from such orders:

Provided that, if the Local Government establishes (as it is hereby empowered to do) a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the Local Government, such appeals shall be presented to such Court.

Appeal under section 16.

17. Every appeal under section 16 shall be made by petition in writing, and may be delivered to the Forest-settlement-officer, who shall forward it without delay to the authority competent to hear the same.

If the appeal be to an officer appointed under section 16, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal,

and

and shall give notice thereof to the parties, and shall hear such appeal accordingly.

The order passed thereon by such officer or Court, or by the majority of the members of such Court, shall be final, subject to revision by the Local Government.

Pleaders.

18. The Local Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest-settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

Notification declaring forest reserved.

19. When the following events have occurred (namely) :—

(*a*) the period fixed under section 6 for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest-settlement-officer; and

(*b*) if such claims have been made, and the period limited by section 16 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(*c*) all lands (if any) to be included in the proposed forest, which the Forest-settlement-officer has, under section 10, elected to acquire under the Land Acquisition Act, 1870,[1] have become vested in the Government under section 16 of that Act,

I of 1870.

the Local Government may publish a notification in the local official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

From

[1] *Read now* the Land Acquisition Act, 1894 (I of 1894), s. 2, printed, General Acts, Vol. VI.

From the date so fixed such forest shall be deemed to be a reserved forest.

Publication of translation of such notification in neighbourhood of forest.

20. The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the language of the country to be published in every town and village in the neighbourhood of the forest.

Power to revise arrangement made under section 14 or 17.

21. The Local Government may, within five years from the publication of any notification under section 19, revise any arrangement made under section 14 or 17, and may, for this purpose, rescind or modify any order made under section 14 or 17, and direct that any one of the proceedings specified in section 14 be taken in lieu of any other of such proceedings, or that the rights admitted under section 11 be commuted under section 15.

No right acquired over reserved forest, except as here provided.

22. No right of any description shall be acquired in or over a reserved forest, except by succession or under a grant or contract in writing made by or on behalf of the Government or of some person in whom such right was vested when the notification under section 19 was issued.

Rights not to be alienated without sanction.

23. Notwithstanding anything contained in section 22, no right continued under section 14, clause (*c*), shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Local Government:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 13.

Power to stop ways and water-courses in reserved forests.

24. The Forest-officer may from time to time, with the previous sanction of the Local Government or of any officer duly authorized in that behalf, stop any public or private way or water-course in a reserved forest:

Provided

Provided that a substitute for the way or water-course so stopped, which the Local Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

Acts prohibited in such forests.

25. Any person who—

(*a*) makes any fresh clearing prohibited by section 5, or

[1][(*b*) sets fire to a reserved forest, or, in contravention of any rules[2] made by the Local Government, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;]

or who, in a reserved forest,—

(*c*) kindles, keeps or carries any fire except at such seasons as the Forest-officer may from time to time notify in this behalf;

(*d*) trespasses or pastures cattle, or permits cattle to trespass;

(*e*) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(*f*) fells, girdles, lops, taps or burns any tree, or strips off the bark or leaves from, or otherwise damages, the same;

(*g*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;

(*h*) clears or breaks up any land for cultivation or any other purpose; or,

(*i*) in

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[1] This clause was substituted for the original cl. (*b*) by the Forest Act, 1890 (V of 1890), s. 7. For Act V, *see* General Acts, Vol. V.

[2] For rules made under this clause for—

(1) Bombay, *see* pp. 166 and 167 of the Bombay List of Local Rules and Orders, Ed. 1896;

(2) Central Provinces, *see* p. 25 of the Central Provinces List of Local Rules and Orders, Ed. 1896; and

(3) United Provinces, *see* p. 59 of the North-Western Provinces and Oudh List of Local Rules and Orders, Ed. 1894.

[1] (*i*) in contravention of any rules which the Local Government may from time to time prescribe, [2] kills or catches elephants,] hunts, shoots, fishes, poisons water or sets traps or snares,

shall be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

Nothing in this section shall be deemed to prohibit (*a*) any act done by permission in writing of the Forest-officer, or under any rule made by the Local Government; or (*b*) the exercise of any right continued under section 14, clause (*c*), or created by grant or contract in writing made by or on behalf of Government under section 22.

Whenever fire is caused wilfully or by gross negligence in a reserved forest, the Local Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

Power to declare forest no longer reserved.

26. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which

[1] For notification prohibiting the killing, injuring or capturing of any rhinoceri in reserved forests in the Jalpaiguri and Darjiling Districts, *see* Calcutta Gazette, 1899, Pt. I, p. 1368.

For rules under this clause in conjunction with s. 75 (*d*) as to hunting, shooting, fishing, etc., in reserved forests in the United Provinces, *see* N.-W. P. and Oudh Gazette, 1900, Pt. I, p. 491; *ibid*, for Central Provinces, *see* C. P. Gazette, 1902, Pt. III, p. 334.

[2] These words are repealed in the United Provinces, the Central Provinces and Coorg, and in local areas to which the Elephants Preservation Act, 1879 (VI of 1879), is extended—*see* s. 2, General Acts, Vol. III.

which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III.

Of Village-forests.

Formation of village-forests.

27. The Local Government may from time to time assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

The Local Government may from time to time make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

All provisions of this Act relating to reserved forests shall (so far as they are consistent with the rules so made) apply to village-forests.

CHAPTER IV.

Of Protected Forests.[1]

"Protected forests."

28. The Local Government may from time to time, by notification in the local official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled.

The

[1] As to the application of provisions relating to protected forests (1) to land not the property of the Government, *see* s. 38; (2) to forests, waste-land or produce the joint property of the Government and other persons, *see* s. 79, *infra*.